

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2337
OFFERED BY MR. POE OF TEXAS

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Kate Puzey Peace
3 Corps Volunteer Protection Act of 2011”.

4 SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

5 The Peace Corps Act is amended by inserting after
6 section 8 (22 U.S.C. 2507) the following new sections:

7 “SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE
8 TRAINING

9 “SEC. 8A. (a) IN GENERAL.—As part of the training
10 provided to all volunteers under section 8(a), the President
11 shall develop and implement comprehensive sexual assault
12 risk-reduction and response training that, to the extent
13 practicable, conforms to best practices in the sexual as-
14 sault field. It is the sense of Congress that such training
15 be credentialed by a national victim assistance body.

“**(b) DEVELOPMENT AND CONSULTATION WITH EX-**
PERTS.—In developing the sexual assault risk-reduction
and response training under subsection (a), the President

1 shall consult with and incorporate, as appropriate, the rec-
2 ommendations and views of experts in the sexual assault
3 field.

4 “(c) CONTENT OF TRAINING.—Once a trainee has ar-
5 rived in his or her country of service, the President shall
6 provide the trainee with training tailored to the country
7 of service that includes cultural training relating to gender
8 relations, risk-reduction strategies, a safety plan in the
9 event of an assault, treatment available in such country
10 (including sexual assault forensic exams, post-exposure
11 prophylaxis (PEP) for HIV exposure, screening for sexu-
12 ally transmitted diseases, and pregnancy testing),
13 MedEvac procedures, and information regarding a victim’s
14 right to pursue legal action against a perpetrator.

15 “(d) INFORMATION REGARDING CRIMES AND
16 RISKS.—Each applicant for enrollment as a volunteer
17 shall be provided with information regarding crimes and
18 risks, including sexual assault, to volunteers in the country
19 in which the applicant has been invited to serve, including
20 an overview of past crimes and risks against volunteers
21 in the country.

22 “(e) CONTACT INFORMATION.—The President shall
23 provide each applicant, before each applicant enrolls as a
24 volunteer, with—

1 “(1) the contact information of the Inspector
2 General of the Peace Corps for purposes of reporting
3 sexual assault mismanagement or any other mis-
4 management, misconduct, wrongdoing, or violations
5 of law or policy whenever it involves a Peace Corps
6 employee, volunteer, contractor, or outside party
7 that receives funds from the Peace Corps;

8 “(2) clear, written guidelines regarding whom
9 to contact, including the direct telephone number for
10 the designated Sexual Assault Response Liaison
11 (SARL) and the Office of Victims Advocacy and
12 what steps to take in the event of a sexual assault
13 or other crime; and

14 “(3) contact information for a 24-hour sexual
15 assault hotline to be established for the purpose of
16 providing volunteers a mechanism to anonymously—

17 “(A) report sexual assault;

18 “(B) receive counseling in the event of a
19 sexual assault; and

20 “(C) seek information about Peace Corps
21 sexual assault reporting and response proce-
22 dures.

23 “(f) DEFINITIONS.—In this section and sections 5(l)
24 and 8B through 8I:

1 “(1) CRIME.—The term ‘crime’ includes any ac-
2 tivity that is punishable under the criminal laws of
3 the Federal Government or of any State of the
4 United States, including the District of Columbia,
5 regardless of whether or not such activity is carried
6 out in a foreign country.

7 “(2) PERSONALLY IDENTIFYING INFORMA-
8 TION.—The term ‘personally identifying information’
9 means information for or about a volunteer who is
10 a victim of sexual assault, including information
11 likely to disclose the location of such victim, includ-
12 ing the following:

13 “(A) A first and last name.

14 “(B) A home or other physical address.

15 “(C) Contact information (including a
16 postal, email, or Internet protocol address, or
17 telephone or facsimile number).

18 “(D) A social security number.

19 “(E) Any other information, including date
20 of birth, racial or ethnic background, or reli-
21 gious affiliation, that, in combination with in-
22 formation described in subparagraphs (A)
23 through (D), would serve to identify the victim.

24 “(3) RESTRICTED REPORTING.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term ‘restricted report-
3 ing’ means a system of reporting that allows a
4 volunteer who is a victim of sexual assault to
5 confidentially disclose the details of his or her
6 assault to specified individuals and receive the
7 services specified in section 8B(c) without the
8 dissemination of his or her personally identi-
9 fying information except as necessary for the
10 provision of such services, and without auto-
11 matically triggering the official investigative
12 process.

13 “(B) EXCEPTIONS.—In cases in which vol-
14 unteers elect restricted reporting, disclosure of
15 covered communications is authorized to the
16 following persons or organizations when disclo-
17 sure would be for the following reasons:

18 “(i) Peace Corps staff or law enforce-
19 ment when authorized by the victim in
20 writing.

21 “(ii) Peace Corps staff or law enforce-
22 ment to prevent or lessen a serious and im-
23 minent threat to the health or safety of the
24 victim or another person.

1 “(iii) SARLs, Victims Advocates, or
2 healthcare providers when required for the
3 direct supervision of victim services.

4 “(iv) State and Federal courts when
5 ordered, or if disclosure is required by
6 Federal or State statute. In such cases, the
7 President shall—

8 “(I) make reasonable attempts to
9 provide notice to the volunteer with
10 respect to whom such information is
11 being released; and

12 “(II) take such action as is nec-
13 essary to protect the privacy and safe-
14 ty of the volunteer.

15 “(4) SEXUAL ASSAULT.—The term ‘sexual as-
16 sault’ means any conduct proscribed by chapter
17 109A of title 18, United States Code, whether or not
18 the conduct occurs in the special maritime and terri-
19 torial jurisdiction of the United States, and includes
20 both assaults committed by offenders who are
21 strangers to the victim and assaults committed by
22 offenders who are known or related by blood or mar-
23 riage to the victim.

24 “(5) STALKING.—The term ‘stalking’ means
25 engaging in a course of conduct directed at a spe-

1 cific person that would cause a reasonable person
2 to—

3 “(A) fear for his or her safety or the safety
4 of others; or

5 “(B) suffer substantial emotional distress.

6 “SEXUAL ASSAULT POLICY

7 “SEC. 8B. (a) IN GENERAL.—The President shall de-
8 velop and implement a comprehensive sexual assault policy
9 that—

10 “(1) includes a system for restricted and unre-
11 stricted reporting of sexual assault;

12 “(2) mandates, for each Peace Corps country
13 program, the designation of a Sexual Assault Re-
14 sponse Liaison (SARL), who shall receive com-
15 prehensive training on procedures to respond to re-
16 ports of sexual assault, with duties including ensur-
17 ing that volunteers who are victims of sexual assault
18 are moved to a safe environment and receive prompt
19 access to services specified in subsection (c);

20 “(3) require SARLs to immediately contact a
21 Victims Advocate upon receiving a report of sexual
22 assault in accordance with the restricted and unre-
23 stricted reporting guidelines;

24 “(4) to the extent practicable conforms to best
25 practices in the sexual assault field; and

1 “(5) is applicable to all posts at which volun-
2 teers serve.

3 “(b) DEVELOPMENT AND CONSULTATION WITH EX-
4 PERTS.—In developing the sexual assault policy under
5 subsection (a), the President shall consult with and incor-
6 porate, as appropriate, the recommendations and views of
7 experts in the sexual assault field, including experts with
8 international experience.

9 “(c) ELEMENTS.—The sexual assault policy devel-
10 oped under subsection (a) shall include, at a minimum,
11 the following services with respect to a volunteer who has
12 been a victim of sexual assault:

13 “(1) The option of pursuing either restricted or
14 unrestricted reporting of an assault.

15 “(2) Provision of a SARL and Victim’s Advo-
16 cate to the volunteer.

17 “(3) At a volunteer’s discretion, provision of a
18 sexual assault forensic exam in accordance with ap-
19 plicable host country law.

20 “(4) At a volunteer’s discretion, provision of
21 emergency health care, including, to the greatest ex-
22 tent practicable, a choice of medical providers and a
23 mechanism for such volunteer to evaluate such pro-
24 vider.

1 “(5) At a volunteer’s discretion, provision of
2 counseling and psychiatric medication.

3 “(6) Completion of a safety and treatment plan
4 with such volunteer.

5 “(7) Evacuation of such volunteer for medical
6 treatment, accompanied by a Peace Corps staffer at
7 the request of such volunteer.

8 “(8) An explanation to such volunteer of avail-
9 able law enforcement and prosecutorial options, and
10 legal representation.

11 “(d) TRAINING.—The President shall train all staff
12 outside the United States regarding the sexual assault pol-
13 icy developed under subsection (a).

14 “OFFICE OF VICTIMS ADVOCACY

15 “SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VIC-
16 TIMS ADVOCACY.—

17 “(1) IN GENERAL.—The President shall estab-
18 lish an Office of Victims Advocacy in Peace Corps
19 headquarters headed by a full-time Victims Advocate
20 who shall report directly to the Director of the Peace
21 Corps. The Office of Victim Advocacy may deploy
22 personnel abroad when necessary to help assist vol-
23 unteers who are victims of sexual assault. It is the
24 sense of Congress that such full-time Victims Advo-
25 cate and any additional victims advocates are
26 credentialed by a national victims assistance body.

1 “(2) PROHIBITION.—Peace Corps Medical Offi-
2 cers, Safety and Security Officers, and program
3 staff may not serve as a Victims Advocate or as vic-
4 tims advocates. The Victims Advocate referred to in
5 paragraph (1) may not have any other duties in the
6 Peace Corps.

7 “(3) EXEMPTION.—The Victims Advocate and
8 any additional victims advocates shall be exempt
9 from the limitations specified in subparagraphs (A)
10 and (B) of paragraph (2) and paragraph (5) of sec-
11 tion 7(a).

12 “(b) RESPONSIBILITIES.—

13 “(1) VICTIMS OF SEXUAL ASSAULT.—The Of-
14 fice of Victims Advocacy shall help develop and up-
15 date the sexual assault risk-reduction and response
16 training described in section 8A and the sexual as-
17 sault policy described in section 8B, and ensure that
18 volunteers who are victims of sexual assault are
19 aware of the services specified in section 8B(c) and
20 facilitate their access to such services.

21 “(2) OTHER CRIMES.— In addition to assisting
22 victims of sexual assault in accordance with para-
23 graph (1), the Office of Victims Advocacy shall as-
24 sist volunteers who are victims of other crimes by
25 making such victims aware of the services specified

1 in section 8B(c) available to them and facilitating
2 their access to such services.

3 “(3) PRIORITY.—The Office of Victim Advocacy
4 shall give priority to cases involving sexual assault,
5 stalking, and other crimes of a similarly serious na-
6 ture.

7 “(c) STATUS UPDATES.—The Office of Victims Advoca-
8 cacy shall provide to volunteers who are victims of sexual
9 assault regular updates on the status of their cases if such
10 volunteers have opted to pursue prosecution.

11 “(d) TRANSITION.—The Office of Victims Advocacy
12 shall assist volunteers who are victims of crime, including
13 sexual assault, and whose service has terminated to receive
14 the services specified in section 8B(c) requested by such
15 volunteer.

16 “(e) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Office of Victims Advocacy should provide
18 an adequate number of victims advocates so that each vic-
19 tim of crime, including sexual assault receives critical in-
20 formation and support.

21 “ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY
22 COUNCIL

23 “SEC. 8D. (a) ESTABLISHMENT.—There is estab-
24 lished in the Peace Corps a Sexual Assault Advisory Coun-
25 cil (in this section referred to as the ‘Council’).

1 “(b) MEMBERSHIP.—The Council shall be composed
2 of not fewer than eight individuals selected by the Presi-
3 dent who are returned volunteers (including volunteers
4 who were victims of sexual assault and volunteers who
5 were not victims of sexual assault) and governmental and
6 nongovernmental experts and professionals in the sexual
7 assault field. No Peace Corps employee may be a member
8 of the Council. The number of governmental experts ap-
9 pointed to the Council may not exceed the number of non-
10 governmental experts.

11 “(c) FUNCTIONS; MEETINGS.—The Council shall
12 meet not less often than annually to review the sexual as-
13 sault risk-reduction and response training developed under
14 section 8A, sexual assault policy developed under section
15 8B, and such other matters related to sexual assault the
16 Council views as appropriate, to ensure that such training
17 and policy conform to the extent feasible to best practices
18 in the sexual assault field.

19 “(d) REPORTS.—On an annual basis for five years
20 after the date of the enactment of this section and at the
21 discretion of the Council thereafter, the Council shall sub-
22 mit to the President and the Committee on Foreign Af-
23 fairs and the Committee on Appropriations of the House
24 of Representatives and Committee on Foreign Relations
25 and the Committee on Appropriations of the Senate a re-

1 port on its findings based on the reviews conducted pursu-
2 ant to subsection (c).

3 “(e) FEDERAL EMPLOYEES.—Members of the Coun-
4 cil shall not be considered employees of the United States
5 Government for any purpose and shall not receive com-
6 pensation other than reimbursement of travel expenses
7 and per diem allowance in accordance with section 5703
8 of title 5, United States Code.

9 “(f) NONAPPLICABILITY OF FACA.—The Federal
10 Advisory Committee Act (5 U.S.C. App.) shall not apply
11 to the Council.

12 “VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

13 “SEC. 8E. (a) MONITORING AND EVALUATION.—Not
14 later than one year after the date of the enactment of this
15 section, the President shall establish goals, metrics, and
16 monitoring and evaluation plans for all Peace Corps pro-
17 grams. Monitoring and evaluation plans shall incorporate
18 best practices from monitoring and evaluation studies and
19 analyses.

20 “(b) PERFORMANCE PLANS AND ELEMENTS.—The
21 President shall establish performance plans with perform-
22 ance elements and standards for Peace Corps representa-
23 tives and shall review the performance of Peace Corps rep-
24 resentatives not less than annually to determine whether
25 such representatives have met such performance elements
26 and standards. Nothing in this subsection shall be con-

1 strued as limiting the discretion of the President to re-
2 move a Peace Corps representative.

3 “(c) ANNUAL VOLUNTEER SURVEYS.—The President
4 shall annually conduct a confidential survey of volunteers
5 regarding the effectiveness of Peace Corps programs and
6 staff and the safety of volunteers. The results shall be pro-
7 vided, in aggregate form without identifying information,
8 to the Committee on Foreign Relations and the Committee
9 on Appropriations of the Senate and the Committee on
10 Foreign Affairs and the Committee on Appropriations of
11 the House of Representatives. Results from the annual
12 volunteer surveys shall be considered in reviewing the per-
13 formance of Peace Corps representatives under subsection
14 (b).

15 “(d) PEACE CORPS INSPECTOR GENERAL.—The In-
16 spector General of the Peace Corps shall—

17 “(1) submit to the Committee on Foreign Af-
18 fairs and the Committee on Appropriations of the
19 House of Representatives and the Committee on
20 Foreign Relations and the Committee on Appropria-
21 tions of the Senate—

22 “(A) a biennial report on reports received
23 from volunteers relating to misconduct, mis-
24 management, or policy violations of Peace
25 Corps staff, any breaches of the confidentiality

1 of volunteers, and any actions taken to assure
2 the safety of volunteers who provide such re-
3 ports;

4 “(B) a report, not later than two years
5 after the date of the enactment of this section
6 and every five years thereafter, evaluating the
7 effectiveness and implementation of the sexual
8 assault risk-reduction and response training de-
9 veloped under section 8A and the sexual assault
10 policy developed under section 8B, including a
11 case review of a statistically significant number
12 of cases;

13 “(C) a report, not later than two years
14 after the date of the enactment of this section,
15 describing how Peace Corps representatives are
16 hired, how Peace Corps representatives are ter-
17 minated, and how Peace Corps representatives
18 hire staff, including an assessment of the imple-
19 mentation of the performance plans described
20 in subsection (b); and

21 “(2) when conducting audits or evaluations of
22 Peace Corps programs overseas, notify the Director
23 of the Peace Corps about the results of such evalua-
24 tions, including concerns the Inspector General has

1 noted, if any, about the performance of Peace Corps
2 representatives, for appropriate action.

3 “ESTABLISHMENT OF A POLICY ON STALKING

4 “SEC. 8F. (a) IN GENERAL.—The President shall de-
5 velop and implement a comprehensive policy on stalking
6 that—

7 “(1) requires an immediate, sustained, and
8 thorough response from the Peace Corps upon re-
9 ceipt of a report of stalking;

10 “(2) provides, during training, all Peace Corps
11 volunteers with a point of contact for the reporting
12 of stalking; and

13 “(3) protects, to the maximum extent prac-
14 ticable, the confidentiality of volunteers who report
15 stalking.

16 “(b) DEVELOPMENT AND CONSULTATION WITH EX-
17 PERTS.—In developing the stalking policy under sub-
18 section (a), the President shall consult with and incor-
19 porate, as appropriate, the recommendations and views of
20 individuals with expertise regarding the crime of stalking.

21 “(c) TRAINING.—The President shall provide for the
22 training of all in-country staff and volunteers regarding
23 the stalking policy developed under subsection (a).

1 “ESTABLISHMENT OF CONFIDENTIALITY PROTECTION
2 POLICY

3 “SEC. 8G. (a) IN GENERAL.—The President shall es-
4 tablish and maintain a process to allow volunteers to re-
5 port incidents of misconduct or mismanagement, or viola-
6 tions of any policy, of the Peace Corps in order to protect
7 the confidentiality and safety of such volunteers and of
8 the information reported, and to ensure that such infor-
9 mation is acted on appropriately. This process shall con-
10 form to existing best practices regarding confidentiality.
11 The President shall train all volunteers and staff about
12 this process.

13 “(b) GUIDANCE.—The President shall provide addi-
14 tional training to officers and employees of the Peace
15 Corps who have access to information reported by volun-
16 teers under subsection (a) in order to protect against the
17 inappropriate disclosures of such information and ensure
18 the safety of such volunteers.

19 “REMOVAL AND ASSESSMENT AND EVALUATION

20 “SEC. 8H. (a) IN GENERAL.—If a volunteer feels at
21 risk of imminent bodily harm and requests removal from
22 the site in which such volunteer is serving, the President
23 shall, as expeditiously as practical after receiving such re-
24 quest, remove such volunteer from such site. If the Presi-
25 dent receives such a request, the President shall assess
26 and evaluate the safety of such site and may not assign

1 another volunteer to such site until such time as such as-
2 sessment and evaluation is complete and such site has
3 been determined to be safe.

4 “(b) DETERMINATION OF SITE AS UNSAFE.—Volun-
5 teers may remain at a site during an assessment and eval-
6 uation under subsection (a). If the President determines
7 that a site is unsafe for any remaining volunteers at the
8 site, the President shall, as expeditiously as practical, re-
9 move all volunteers from such site.

10 “(c) TRACKING AND RECORDING.—The President
11 shall establish a global tracking and recording system to
12 track and record incidents of assault, including sexual as-
13 sault, against volunteers.

14 “REPORTING REQUIREMENTS

15 “SEC. 8I.

16 “(a) IN GENERAL.—The President shall annually
17 submit to the Committee on Foreign Affairs and the Com-
18 mittee on Appropriations of the House of Representatives
19 and the Committee on Foreign Relations and the Com-
20 mittee on Appropriations of the Senate a report summa-
21 rizing information on—

22 “(1) sexual assault of volunteers;

23 “(2) other crimes against volunteers; and

24 “(3) the annual rate of early termination of vol-
25 unteers, including, to the maximum extent prac-

1 ticable, demographic data associated with such early
2 termination.

3 “(b) GAO.—Not later than one year after the date
4 of the enactment of this section, the Comptroller General
5 of the United States shall submit to the Committee on
6 Foreign Affairs and the Committee on Appropriations of
7 the House of Representatives and the Committee on For-
8 eign Relations and the Committee on Appropriations of
9 the Senate a report evaluating the quality and accessibility
10 of health care provided through the Department of Labor
11 to returned volunteers upon their separation from the
12 Peace Corps.

13 “(c) ACCESS TO COMMUNICATIONS.—

14 “(1) IN GENERAL.—The President, in coordina-
15 tion with all Country Directors, shall determine the
16 level of access to communication, including cellular
17 and Internet access, of each volunteer.

18 “(2) REPORT.—Not later than six months after
19 the date of the enactment of this section, the Presi-
20 dent shall submit to the Committee on Foreign Af-
21 fairs and the Committee on Appropriations of the
22 House of Representatives and the Committee on
23 Foreign Relations and the Committee on Appropria-
24 tions of the Senate a report on the costs of providing

1 all volunteers with access to adequate communica-
2 tion, including cellular service and Internet access.”.

3 **SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.**

4 Section 5(l) of the Peace Corps Act (22 U.S.C.
5 2504(l)) is amended by inserting before the period at the
6 end the following: “, and counsel may be employed and
7 counsel fees, court costs, and other expenses may be paid
8 in the support of volunteers who are parties, complaining
9 witnesses, or otherwise participating in the prosecution of
10 crimes committed against such volunteers”.

11 **SEC. 4. PERSONAL SERVICE CONTRACTS.**

12 The Peace Corps Act is amended—

13 (1) in section 7(a)(3) (22 U.S.C. 2506(a)(3)),
14 by inserting “, or contracted with for personal serv-
15 ices under section 10(a)(5),” after “employed, ap-
16 pointed, or assigned under this subsection”; and

17 (2) in section 10(a)(5) (22 U.S.C. 2509(a)(5)),
18 by striking “any purpose” and inserting “the pur-
19 poses of any law administered by the Office of Per-
20 sonnel Management (except that the President may
21 determine the applicability to such individuals of the
22 provisions of the Foreign Service Act of 1980 (22
23 U.S.C. 3901 et seq.))”.

1 **SEC. 5. CONFORMING AMENDMENTS.**

2 (a) INCLUSION OF SEXUAL ASSAULT RISK-REDUC-
3 TION AND RESPONSE TRAINING.—The Peace Corps Act
4 is amended—

5 (1) in section 5(a) (22 U.S.C. 2504(a)), in the
6 second sentence, by inserting “(including training
7 under section 8A)” after “training”; and

8 (2) in section 8(a) (22 U.S.C. 2507(a)), in the
9 first sentence, by inserting “, including training
10 under section 8A,” after “training”.

11 (b) CERTAIN SERVICES.—Section 5(e) of the Peace
12 Corps Act (22 U.S.C. 2504(e)) is amended, in the first
13 sentence—

14 (1) by inserting “(including, if necessary, for
15 volunteers and trainees, services under section 8B)”
16 after “health care”; and

17 (2) by inserting “including services provided in
18 accordance with section 8B (except that the six-
19 month limitation shall not apply in the case of such
20 services),” before “as the President”.

21 **SEC. 6. FUNDING.**

22 To offset the costs to be incurred by the President
23 for the conduct of investigations and reports to carry out
24 the provisions of this Act and the amendments made by
25 this Act, the Director of the Peace Corps shall eliminate
26 such positions and programs within the Peace Corps, un-

1 less otherwise authorized or required by law, as the Direc-
2 tor determines to be necessary to fully offset such costs.

3 **SEC. 7. SUNSET.**

4 This Act and the amendments made by this Act shall
5 cease to be effective seven years from the enactment of
6 this Act.

